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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,865	09/27/2000	Boon-Lock Yeo	YO9-97-348C	7873

7590   05/29/2008

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ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
05/29/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 February 2008</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>21-38</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>21-38</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Response to Arguments

1. Applicant's arguments with respect to the independent claims have been considered

but are moot in view of the new ground(s) of rejection.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine
grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a
patent and to prevent possible harassment by multiple assignees.   A nonstatutory
obviousness-type double patenting rejection is appropriate where the conflicting
claims are not identical, but at least one examined application claim is not patentably
distinct from the reference claim(s) because the examined application claim is either
anticipated by, or would have been obvious over, the reference claim(s). See, e.g.,
In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11
F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ
645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982);
In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418
F.2d 528, 163 USPQ 644 (CCPA 1969).
   A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or
1.321(d) may be used to overcome an actual or provisional rejection based on a
nonstatutory double patenting ground provided the conflicting application or patent
either is shown to be commonly owned with this application, or claims an invention
made as a result of activities undertaken within the scope of a joint research
agreement.
   Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply
with 37 CFR 3.73(b).

3. Claim 30 is rejected on the ground of nonstatutory obviousness-type double

patenting as being unpatentable over claims 4-5 of U.S. Patent No. 6,219,837.

Although the conflicting claims are not identical, they are not patentably distinct from

each other because the instant application claim is broader in every aspect than the

patent claims 4 or 5 and is therefore an obvious variant thereof.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5. Claim 35 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

   failing to particularly point out and distinctly claim the subject matter which applicant

   regards as the invention.

   Claim 35 recites the limitation "a method for informing a viewer of the content of a

   video program in progress as recited in claim 30 wherein said video program and

   said video program in progress are on different channels". Claim 30 provides the

   antecedent basis for "said video program", which is "a video program in progress"

   recited in lines 1-2 of the claim. Therefore it remains unclear how the video program

   and video program in progress are on different channels when the "video program in

   progress" provides the antecedent basis "for the video program".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

   the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

7. Claims 30-32, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by

   Goldberg et al. (US Pat. 5,692,213)

With regards to claim 30, Goldberg discloses a method for informing a viewer
of the content of a video program in progress. When the user joins a multimedia
presentation, the system transmits the video program comprising a plurality of
frames to the user. The receiving client displays the video program and keyframes
(see fig. 3), wherein the keyframes depict selected events from the video program
(see column 4, lines 15-41). Accordingly Goldberg teaches the limitations of
"selecting a plurality of summary frames depicting selected events from the video
program" and "transmitting the video program comprising said summary frames
over a media". Goldberg further discloses the steps of displaying the video
program and summary frames on a screen at a same time when the viewer joins
the multimedia presentation (see column 1, lines 49-54 and column 3, lines 19-35)
and therefore teaches the step of "displaying said video program and said summary
frames on a screen at a same time with the video program when a viewer changes
to the viewer program". Goldberg also discloses that panel window 222 can be
overlaid on the video program in progress, wherein the panel 222 comprises the
summary frames (keyframes), i.e. the panel comprising the summary frames is
"embedded" onto the screen displaying the video program. Goldberg therefore also
teaches the limitation of "embedding said summary frames in the video program".
Accordingly it is submitted that Goldberg teaches all the limitations of claim 30.

With regards to claim 31, Goldberg discloses that a viewer can select
keyframes corresponding to a temporal point (for example user can select
keyframe 232 to start playback of the video from 80% in progress) into the video

program in progress, to commence playback of the video from that temporal point.
See column 4, lines 15-21. Goldberg therefore teaches the step of "displaying a
video segment corresponding to a particular summary frame when the summary
frame is selected by a viewer". Goldberg further teaches that the program maybe
played back at an accelerated playback rate until the playback has caught up with
the real time progression of the video program. In the above scenario, when the
viewer selects keyframe 232 and the playback finally catches up to real time the
user has finished playing the video segment corresponding to 232 and is now
watching the program in real time. Goldberg therefore teaches the step of
"resuming the video program when the video segment has finished" by playing the
video program in real time when the playback has caught up to real time.

With regards to claim 32, Goldberg discloses the window (222) comprising
keyframes is displayed "during a normal operation" while the program is being
played in the background screen (see column 3, lines 24-33 and column 4, lines
47-49). Goldberg therefore teaches the limitation of, "wherein said summary frames
remain on the display screen when the video program is preempted".

With regards to claim 34, Goldberg discloses placing summary frames in
panel 222 and the video program in progress in the video output area 220 (see
column 3, lines 19-34) of a display screen 5. The system therefore comprises the
step of "placing said video program and said summary frames in designated
windows on said screen".

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 21-29, 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Goldberg et al. (US Pat. 5,692,213) in view of Connelly (US Pat. 6,144,376).

    With regards to claim 21, Goldberg discloses a video viewing system wherein

a viewer can join a video of a meeting (video conference) in progress (see column 1,

lines 48-50). Accordingly Goldberg teaches the claimed "means for selecting" a

"video program in progress". Goldberg additionally teaches the claimed "display

screen for viewing a video program in progress" (see column 3, lines 15-23).

Goldberg discloses a scenario wherein a user may join such a video program in

progress after a portion of it has already transpired, wherein the system of Goldberg

allows a viewer to start over viewing video program from the beginning and/or be

caught up to the video program in progress by recording the video program in

storage area 612 and allowing users to accessing the video program from the

storage area (see column 1, lines 50-56, column 3, lines 49-59, and column 4, lines

5-7). Accordingly in a scenario, where the user selects the video program after 20

minutes of start time, the system displays a plurality of summary frames allowing

access to various portions of the video from its beginning, where the recording

commenced, to real time progress of the video. See figure 3, see column 4, lines

15-41. Goldberg therefore teaches the claimed "at least one summary frame also

displayed on the display screen overlaid onto the video program in progress at a same time" when the video program is selected, wherein the "at least one summary frame comprising a past frame from the video program in progress". As Goldberg teaches multiple keyframes allowing access to the different temporal points into the video, Goldberg also teaches the claimed "wherein the at least one summary frame comprises a plurality of the summary frames each corresponding to the video program in progress" (e.g. keyframes 224, 226, 228, 230 and 232).

While Goldberg discloses components interfaced to receive real time multimedia (see column 2, lines 53-56), Goldberg is silent on the step of selecting the video program by "selecting a program channel" containing the video programming in progress.

In an analogous art, Connelly discloses an integrated PC/TV system providing a plurality of PC functionalities at the television interface, wherein the system comprises an exemplary method of joining a video conference, such as in the system of Goldberg, by changing the channel (see column 7, claim 5). An integrated PC/TV of Connelly allows to bring the functionalities of a PC to the family room where a television is typically located rather than a separate workspace, and at the same time provides the friendly, intuitive user interface (see column 1, lines 58-67 and column 2, lines 1-11).

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable

results to one of ordinary skill in the art at the time of the invention. By utilizing the PC/TV interface as taught by Connelly to the system of Goldberg gives the user an integrated multimedia system with intuitive, friendly user interface for accessing PC applications, including the video conferencing application via channel change. The modified system therefore additionally teaches the claimed limitation of "at least one summary frame also displayed….at a same time when said programming channel is changed".

With regards to claim 22, Goldberg discloses that one of the keyframes (keyframe 234) represents the program progress in real time (see column 4, lines 26-28). The modified system therefore teaches the limitation of, "at least one summary frame displays a video segment on the viewing screen corresponding to the summary frame".

With regards to claim 23, Goldberg discloses a plurality of keyframes that provide access to different temporal points of the video program in progress (see column 4, lines 15-41). Therefore in a scenario where the viewer is caught up to real time progress of the video, all of the keyframes correspond to a past frame from the video program in progress. The modified system therefore teaches the limitation of, "plurality of summary frames each corresponding to a past frame from the video program in progress".

With regards to claim 24, Goldberg discloses a plurality of keyframes that provide access to different temporal points of the video program in progress (see column 4, lines 15-41). In a scenario where user tunes to the video program in

progress after a portion had already transpired, and begins playback from the start

of the video, the keyframe representing the real time progression of the video (see

column 4, lines 26-28) comprises a future frame from the video program in progress

relative to user's current playback position. The modified system therefore teaches

the limitation of, "further comprising at least one preview frame comprising a future

frame from the video program in progress".

With regards to claim 25, Goldberg discloses a user interactive video viewing

system where user may view multimedia presentations such as video conference,

comprising the claimed "display screen for viewing a video program in progress"

(see column 3, lines 15-23). Goldberg discloses a scenario wherein a user may join

a video program in progress after a portion of it has already transpired, wherein the

system of Goldberg allows a viewer to start over viewing video program from the

beginning and/or be caught up to the video program in progress by recording the

video program in storage area 612 and allowing users to accessing the video

program from the storage area (see column 1, lines 50-56, column 3, lines 49-59,

and column 4, lines 5-7). Accordingly in a scenario, where the user selects the

video program after 20 minutes of start time, the system displays a plurality of

summary frames allowing access to various portions of the video from its beginning,

where the recording commenced, to real time progress of the video. See figure 3,

see column 4, lines 15-41. Goldberg therefore teaches the claimed "at least one

summary frame displayed on the display screen at a same time and overlaid with

said video program" when the video program is selected, wherein the "at least one

summary frame comprising one of a past or a future frame from the video program".

As Goldberg teaches multiple keyframes allowing access to the different temporal

points into the video (see column 4, lines 15-41), Goldberg teaches the claimed

limitation of "control means for allowing user to change the video program and for

allowing the user to select at least one summary frame to play at least a segment of

the video program corresponding to the selected summary frame" and the claimed

limitation of, "wherein the at least one summary frame comprises a plurality of said

summary frames each corresponding to the video program in progress".

While Goldberg discloses components interfaced to receive real time

multimedia (see column 2, lines 53-56), Goldberg is silent on the step of selecting

the video program by "selecting a program channel" containing the video

programming.

In an analogous art, Connelly discloses an integrated PC/TV system

providing a plurality of PC functionalities at the television interface, wherein the

system comprises an exemplary method of joining a video conference, such as in

the system of Goldberg, by changing the channel (see column 7, claim 5). An

integrated PC/TV of Connelly allows to bring the functionalities of a PC to the family

room where a television is typically located rather than a separate workspace, and at

the same time provides the friendly, intuitive user interface (see column 1, lines 58-

67 and column 2, lines 1-11).

All the claimed elements were known in the prior art and one skilled in the art

could have combined the elements as claimed by known methods with no change in

their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. By utilizing the PC/TV interface as taught by Connelly to the system of Goldberg gives the user an integrated multimedia system with intuitive, friendly user interface for accessing PC applications, including the video conferencing application via channel change. The modified system therefore additionally teaches the claimed limitation of "at least one summary frame displayed….at a same time and overlaid with the video program when a programming channel is changed".

With regards to claim 26, the system of claim 25 as modified in view of Connelly discloses a viewing system comprising a television system.

With regards to claim 27, Goldberg discloses the window (222) comprising keyframes is displayed "during a normal operation" while the program is being played in the background screen (see column 3, lines 24-33 and column 4, lines 47-49). The modified system therefore teaches the limitation of, "wherein said summary frames remain on the display screen when the video program is preempted".

With regards to claim 28, Goldberg discloses the window (222) comprises characteristics of "windows in a windowing operation system". While Goldberg is silent on the step of, "wherein user can delete the summary frames from they display screen", Examiner takes official notice that "deletion" of windows in a windowing operation system by closing the windows were well known in the art at the time of the invention. It would obvious to further modify the system by providing user the option of deleting the summary frames panel (222) in they modified system by

closing the window thereby allowing user to close the keyframes panel when the user has caught up to real time progression and no longer needs the panel.

With regards to claim 29, the modified system further teaches the limitation, "wherein the viewing system comprises client connected to a server" (see Goldberg column 3, lines 47-51, lines 57-59).

With regards to claim 36, Goldberg discloses a video viewing system wherein a viewer can join a video of a meeting (video conference) in progress (see column 1, lines 48-50). Accordingly Goldberg teaches the claimed "means for selecting" a "video program in progress". Goldberg additionally teaches the claimed "display screen for viewing a video program in progress" (see column 3, lines 15-23). Goldberg discloses a scenario wherein a user may join such a video program in progress after a portion of it has already transpired, wherein the system of Goldberg allows a viewer to start over viewing video program from the beginning and/or be caught up to the video program in progress by recording the video program in storage area 612 and allowing users to accessing the video program from the storage area (see column 1, lines 50-56, column 3, lines 49-59, and column 4, lines 5-7). Accordingly in a scenario, where the user selects the video program after a duration of the video has already transpired, the system displays a plurality of summary frames allowing access to various portions of the video from its beginning, where the recording commenced, to real time progress of the video. See figure 3, see column 4, lines 15-41. Goldberg therefore teaches the claimed "at least one summary frame also displayed on the display screen overlaid onto the video

program in progress at a same time" when the video program is selected. In a scenario where a viewer begins playback of the video at keyframe 224 (20% progress), keyframe 222 "comprises a past frame from the video program in progress" wherein the keyframe 224 further corresponds "to a past frame from the video program in progress". In that same scenario, the keyframe 230 (60% progress of the video comprises a future frame from the video program in progress relative to user's current playback position (at 20%). Goldberg therefore teaches the limitation of, "further comprising at least one preview frame comprising a future frame from the video program in progress". Goldberg further discloses that one of the keyframes (keyframe 234) represents the program progress in real time (see column 4, lines 26-28). This reads on the claimed limitation of, "at least one summary frame displays a video segment on the viewing screen corresponding to the summary frame".

While Goldberg discloses components interfaced to receive real time multimedia (see column 2, lines 53-56), Goldberg is silent on the step of selecting the video program by "selecting a program channel" containing the video programming in progress.

In an analogous art, Connelly discloses an integrated PC/TV system providing a plurality of PC functionalities at the television interface, wherein the system comprises an exemplary method of joining a video conference, such as in the system of Goldberg, by changing the channel (see column 7, claim 5). An integrated PC/TV of Connelly allows to bring the functionalities of a PC to the family

room where a television is typically located rather than a separate workspace, and at the same time provides the friendly, intuitive user interface (see column 1, lines 58-67 and column 2, lines 1-11).

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. By utilizing the PC/TV interface as taught by Connelly to the system of Goldberg gives the user an integrated multimedia system with intuitive, friendly user interface for accessing PC applications, including the video conferencing application via channel change. The modified system therefore additionally teaches the claimed limitation of "at least one summary frame also displayed….at a same time when said programming channel is changed".

With regards to claims 37-38, the modified system further teaches the claimed limitation, "wherein the two or more summary frames are displayed at the same time with the video program in progress"

10. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg et al. (US Pat. 5,692,213) in view of Nakagaki et al. (US Pat. 5,852,474)

With regards to claim 33, Goldberg discloses a method for informing a viewer of the content of a video program in progress. When the user joins a multimedia presentation, the system transmits the video program comprising a plurality of frames to the user. The receiving client displays the video program and keyframes

(see fig. 3), wherein the keyframes depict selected events from the video program

(see column 4, lines 15-41). Accordingly Goldberg teaches the limitations of

"selecting a plurality of summary frames depicting selected events from the video

program" and "transmitting the video program comprising said summary frames over

a media". Goldberg further discloses the steps of displaying the video program and

summary frames on a screen at a same time when the viewer joins the multimedia

presentation (see column 1, lines 49-54 and column 3, lines 19-35) and therefore

teaches the step of "displaying said video program and said summary frames on a

screen at a same time with the video program when a viewer changes to the viewer

program". Goldberg also discloses that panel window 222 can be overlaid on the

video program in progress, wherein the panel 222 comprises the summary frames

(keyframes), i.e. the panel comprising the summary frames is "embedded" onto the

screen displaying the video program. Goldberg therefore also teaches the limitation

of "embedding said summary frames in the video program". Goldberg additionally

illustrates display of the plurality of keyframes written in a "row only direction" on

screen of a panel (table), wherein user can select any of the keyframes to

commence playback at that temporal point of the video. In a scenario where only a

single row of keyframes are displayed, a user reads each of the keyframes in a

column only direction from the screen for the selection of the keyframe. Therefore

Goldberg also teaches the claimed limitations of, "writing selected frames from said

selecting step only in a row direction of a table" and, "reading said selected frames

from said table only in a column direction to interleave said summary frames

displayed on said screen".

     Goldberg is silent on the step of interleaving the summary displayed on the

screen. In a similar art, Nakagaki discloses the step of selecting a summary

embedded in a video (e.g. figure 12B, selection of summary frame B), wherein the

selection causes a switch in the father-son window mode. See column 4, lines 1-7,

see 21-26. Accordingly Nakagaki discloses the step of reading summary frames

from screen, wherein the user can read each summary frame in fig. 12B in a column

only direction for selection of one of the summary frames (e.g. summary frame B),

wherein the selection causes switch in father-son windows (i.e. summary frames are

displayed as A-D-C), to interleave in the summary frames displayed on the screen.

     It would have been obvious to one of ordinary skill in the art to modify the

system of Goldberg in view Nakagaki by allowing user to switch between father-son

modes for any of the plurality of frames.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to USHA RAMAN whose telephone number is

(571)272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

     If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The

fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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Should you have questions on access to the Private PAIR system, contact the

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assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-

272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
Unit 2623

/Usha Raman/